

Filed 5/24/19 In re B.V. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re B.V., a Person Coming Under
the Juvenile Court Law.

B292067

(Los Angeles County
Super. Ct. No. 18CCJP02465)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Appellant,

v.

C.V.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County, Marguerite D. Downing, Judge. Dismissed.

Office of the County Counsel, Mary C. Wickham, County
Counsel, Kristine P. Miles, Assistant County Counsel, and
Kimberly Roura, Deputy County Counsel, for Plaintiff and
Appellant.

Lelah S. Fisher, under appointment by the Court of Appeal, for Defendant and Appellant.

The juvenile court assumed jurisdiction over then-two-year-old B.V., finding the child was at substantial risk of suffering serious harm because, among other things, M.A. (Mother) abused alcohol and C.V. (Father) failed to protect B.V. from Mother's alcohol abuse. Father (but not Mother) appeals and argues the jurisdiction finding is unsupported by substantial evidence and the disposition order requiring his participation in drug testing and individual counseling was unwarranted. The Los Angeles Department of Children and Family Services (the Department) cross-appeals to argue the juvenile court should not have dismissed an allegation that Father failed to protect B.V. from a risk of harm arising from domestic violence perpetrated by Mother. Since the filing of the appeals, the juvenile court has terminated its jurisdiction over B.V. with an order returning her to Father's custody. Finding the juvenile court's order terminating jurisdiction renders the appeal and the cross-appeal moot, we shall dismiss both.

I. BACKGROUND

B.V. was born in December 2015. In April 2018, the Department filed a six-count petition alleging the child should be found to come within the dependency jurisdiction of the juvenile court. Counts a-1 and b-1 of the petition allege Mother and Father "have a history of engaging in violent altercations in the presence of [B.V.]" and Father "failed to protect [B.V.] by continuing to allow [Mother] to have unlimited access to [B.V.]."

Counts a-2 and b-2 allege Mother “engaged in violent and assaultive behavior in the presence of [B.V.]” Count b-3 alleges Mother “is a current abuser of alcohol” and Father “failed to protect [B.V.] in that [Father] knew or reasonably should have known of [Mother’s] alcohol abuse and continued allowing [Mother] to have unlimited access to [B.V.]” Count b-4 alleges Mother “placed [B.V.] in a detrimental and endangering situation in that [Mother] possessed marijuana within access to [B.V.]”

At an adjudication and disposition hearing, the juvenile court sustained the Department’s petition in part. The court sustained the allegations regarding Mother’s alcohol abuse and Father’s failure to protect B.V. against that abuse (count b-3). The court amended the two counts related to Mother’s domestic violence (counts a-1 and b-1) to strike the failure to protect allegations against Father and then sustained the allegations as amended, i.e., as solely against Mother. The court also sustained the allegations that Mother engaged in violent and assaultive behavior in front of B.V. (counts a-2 and b-2) and possessed marijuana within access to B.V. (count b-4).

The juvenile court placed B.V. with Father on the condition that Father reside in the home of the paternal great-aunt. It ordered Father to complete eight random drug tests, a parenting program, and individual counseling to address “case issues.” The juvenile court granted Mother monitored visitation, ordered her to complete eight random or on-demand drug tests, and ordered her to participate in a domestic violence program, a mental health counseling intake assessment, a parenting program, and individual counseling. It also granted Father a one-year restraining order against Mother.

Father appealed the juvenile court's jurisdiction and disposition orders, and while the appeal was pending, the juvenile court terminated jurisdiction over B.V. and returned her to Father's custody.¹ We thereafter invited the parties to submit letter briefs addressing whether the appeal and cross-appeal were, as a result, moot. The Department concedes both appeals are moot. Father maintains the Department's cross-appeal is moot but his appeal is not.

II. DISCUSSION

“An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief. [Citation.]’ (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054[].)” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.) “As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) “[D]ismissal for mootness in such circumstances is not automatic, [however,] but ‘must be decided on a case-by-case basis.’” (*Ibid.*; see also *In re N.S.* (2016) 245 Cal.App.4th 53, 60 [“[T]he critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error”].)

The juvenile court's order terminating jurisdiction withdrew the Department's supervision of the family and any

¹ We granted Father's request to take judicial notice of the orders terminating dependency jurisdiction and returning B.V. to Father's custody. (Evid. Code §§ 452, subd. (d) and 459.)

further court involvement. Because there is no further relief we could grant Father in this appeal, the appeal is moot. Father's sole argument to the contrary (that the adverse jurisdictional finding "holds the potential of injecting error into future family court proceedings or future dependency proceedings in which [F]ather may be involved") is speculative and insufficient to defeat application of settled mootness doctrine. (See, e.g., *In re N.S.*, *supra*, 245 Cal.App.4th at pp. 62-63 ["We see no reason to review the juvenile court's jurisdictional findings here on the basis of such speculation or caution. [¶] . . . [¶] [And w]e are unconvinced . . . that any ruling we could issue here would have any practical effect on future dependency proceedings"]; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1494-1495.)

DISPOSITION

The appeal and cross-appeal are dismissed.

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BAKER, Acting P. J.

We concur:

MOOR, J.

KIM, J.